

SUMMARY MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, June 6, 2007 - 3:30 p.m.

PUBLIC HEARINGS – 5:30 P.M.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at www.ci.stpaul.mn.us/council and click on Watch the Live Webcast.

The meeting was called to order at 3:32 p.m. by Council Present Lantry.

Present -5 – Benany, Bostrom, Harris, Lantry, and Montgomery

Absent – 2 – Helgen (excused); Thune (excused from City Council meeting; present at Public Hearings)

A moment of silence was observed in honor of the memory of Mr. Nick Mancini.

CONSENT AGENDA (Items 1 - 37)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Councilmember Harris removed Item 16 be removed for discussion.

Councilmember Montgomery removed Items 17 and 26 for discussion.

Council President Lantry removed Item 36 for discussion.

Councilmember Harris moved approval of the Consent Agenda as amended.

Adopted Yeas - 5 Nays - 0

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

1. Claims of Maria Conrad, Victoria I. Ferraro, Colleen C. Gilbertson, John Hanratty, Susan M. Hanson, Brian J. Hauer, Liberty Mutual (for Nicole Gentry), Efay Imani Martin-Mahuru, Richard A. McKusick, Dan Nedoroski, Theresa H. Nguyen, and Randall Arthur Radunz.

Referred to Risk Management

2. Summons and Complaint in the matter of Preston Buckhanan vs. the City of Saint Paul et al.

Referred to the City Attorney's Office

- 3. Letter from the Office of the City Attorney announcing a public hearing before the City Council on June 20, 2007 to consider adverse action against all licenses held by Sophia Vega, Inc., d/b/a Viaduct Inn Mexican American Cuisine, 1056 7th Street East.
- 4. Letter from the Office of the City Attorney announcing a public hearing before the City Council on June 20, 2007 to consider the report of the Administrative Law Judge concerning all licenses held by Billy Neng Yang, d/b/a Asian Cuisine, 945 Rice Street, Suite A.
- 5. Letters from the Department of Safety and Inspections/Nuisance Building Enforcement declaring 970 Concordia Avenue, 1016 Edgerton Street, 64 Garfield Street, 992 James Avenue, 472 Minnehaha Avenue East, 1457 Mechanic Avenue, 1471 Mechanic Avenue, and 1185 Payne Avenue as nuisance properties. (For notification purposes only; public hearings will be scheduled at a later date if necessary.)
- 6. Administrative Order:

D002664 Extending the contract completion date from December 30, 2005 to December 30, 2006 for the Summit/Lexington Sewer Cleaning and TV Inspection project.

On file with the City Clerk

FOR ACTION

- 7. Resolution 07-468 Approving the May 1, 2007 through April 30, 2010 Maintenance Labor Agreement between the City and the Bricklayers and Allied Craftworkers Local Union 1 Minnesota/North Dakota. (To be laid over one week for adoption)

 Laid over to June 13 Yeas 5 Nays 0
- 8. Resolution 07-469 Approving the decision of the Legislative Hearing Officer on an appeal of a Deficiency List at 1171 Minnehaha Avenue East.

 Adopted Yeas 5 Nays 0
- 9. Resolution 07-470 Approving the application with conditions, per the Legislative Hearing Officer, of Anthony T. Costanzo, d/b/a Tony's Auto Body, 353 Larch Street for an Auto Body Repair Shop license.

 Adopted Yeas 5 Nays 0
- 10. Resolution 07-471 Approving the application with conditions, per the Legislative Hearing Officer, of Twin Star VFW Post 8854, 820 Concordia Avenue, for an Entertainment A License.

Adopted Yeas - 5 Nays - 0

11. Resolution – 07-472 – Approving the application with conditions, per the Legislative Hearing Officer, of Schwartzman Company, Inc., John Schwartzman, president, d/b/a SCI Recycling, 240 Sycamore Street, for a Recycling Processing Center License.

Adopted Yeas - 5 Nays - 0

- 12. Resolution 07-473 Referring the application of Arnellia Allen, d/b/a Schweitz Saloon, 956 Payne Avenue, to an Administrative Law Judge, per the Legislative Hearing Officer, for Liquor On Sale-Over 100 seats, Liquor On Sale-Sunday, Liquor On Sale-2 AM Closing, Entertainment (B), Restaurant (B)-more than 12 seats, Restaurant (D)-Add on (Bar Only), Gambling Location, and Liquor-Outdoor Service Area (Patio) licenses. Adopted Yeas 5 Nays 0
- 13. Resolution 07-474 Accepting a \$20,000 grant from the McNeely Foundation to help finance the start-up of the East Side Circulator Transportation for Youth project.

 Adopted Yeas 5 Nays 0
- 14. Resolution 07-475 Authorizing the proper City officials to approve an Agreement for Legal Services by and between the Public Housing Agency of the City of Saint Paul and the City of Saint Paul.

Adopted Yeas - 5 Nays - 0

- 15. Resolution 07-476 Approving the re-issuance of bonds for the Burlington Apartment Project, 1150-1180 Cushing Circle (District 10).

 Adopted Yeas 5 Nays 0
- 16. Resolution 07-477 Adopting a Summary of the Highland Park/District 15 Neighborhood Plan as an addendum to the City's Comprehensive Plan. (Discussed after the consent agenda)
- 17. Resolution 07-478 Adopting a Summary of the Snelling Hamline Neighborhood Plan as an addendum to the City's Comprehensive Plan.
 (Discussed after the consent agenda)
- 18. Resolution 07-479 Authorizing the acceptance of financial support from Comcast in the amount of \$25,000 and establishing spending and financing plans.
 Adopted Yeas 5 Nays 0
- 19. Resolution 07-480 Amending the 2007 spending and financing plans in the Division of Parks and Recreation for Recreation Services' reorganization.
 Adopted Yeas 5 Nays 0
- 20. Resolution 07-481 Approving an amendment to Lease PR/45, cell tower agreement,

between the City and New Cingular Wireless PCS, LLC on a portion of Lot 4, Block 2, Energy Park West.

Adopted Yeas - 5 Nays - 0

21. Resolution – 07-482 – Establishing spending and financing plans in the Department of Fire and Safety Services to receive training and purchase equipment for the Collapse Structure Rescue Team.

Adopted Yeas - 5 Nays - 0

22. Resolution – 07-483 – Authorizing the Department of Fire and Safety Services to accept the donation of an antique type fire extinguishing "Shur-Stop Kit," valued at \$175.00, from Frank Villaume.

Adopted Yeas - 5 Nays - 0

23. Resolution – 07-484 – Accepting a donation in the amount of \$68,000 from the Saint Paul Police Foundation to assist the Police Department in acquiring Negotiation Throw Phones, registration and admission fees, and other necessities for the PAL program participants, and providing support to law enforcement families.

Adopted Yeas -5 Nays -0

24. Resolution – 07-485 – Establishing a 2007 spending and financing plan in the Police Department for the Joint Powers Agreement for Consolidated Dispatch Operations. (GS 3039292)

Adopted Yeas - 5 Nays - 0

25. Resolution – 07-486 – Authorizing the Police Department to enter into an agreement with Ramsey County for the use of County-owned radios for the 800 MHz Radio Communications System. (GS 3039731)

Adopted Yeas - 5 Nays - 0

26. Resolution – 07-487 – Accepting a Young Gang Intervention Grant from the Minnesota Department of Public Safety to help reduce gun and gang violence among youth. (GS 3039294)

Adopted Yeas - 5 Nays - 0

27. Resolution – 07-488 – Authorizing the Police Department to enter into a grant agreement with the State of Minnesota, Department of Public Safety, for the 2006 Homeland Security Grant Program for equipment and training for bomb technicians. (GS 3039633) Adopted Yeas – 5 Nays - 0

28. Resolution – 07-489 – Authorizing the Police Department to enter into an agreement with the United States Department of Justice to participate in the Organized Crime Drug

Enforcement Task Force from March 1, 2007 through August 31, 2007.

Adopted Yeas - 5 Nays - 0

29. Resolution – 07-490 – Authorizing the Police Department to enter into a Joint Powers Agreement with the State of Minnesota's Bureau of Criminal Apprehension to participate in the Internet Crimes Against Children Task Force.

Adopted Yeas - 5 Nays - 0

30. Resolution – 07-491 – Amending the spending and financing plans in the Department of Public Works for the 2005 and 2006 RSVP Programs.

Adopted Yeas - 5 Nays - 0

31. Resolution – 07-492 – Authorizing the proper City officials to allow for the spending of City funds, to solicit for and accept donations to help finance the 2007 Department of Public Works Open House on September 18, 2007.

Adopted Yeas - 5 Nays - 0

32. Resolution – 07-493 – Authorizing the proper City officials to release water easements in portions of previously vacated Blair (formerly Lake Street) and Galtier Street (formerly Oak Street) on the Shaw Lumber site.

Adopted Yeas - 5 Nays - 0

33. Resolution – 07-494 – Authorizing the Department of Public Works to accept an easement for sidewalk purposes for the Target store at Hamline Avenue and St. Anthony Avenue.

Adopted Yeas - 5 Nays - 0

34. Preliminary Order – 07-495 – In the matter of reconstructing sidewalks on the south side of Exchange Street West from St. Peter Street to Wabasha Street North [S0707]; on the north side of Kellogg Boulevard East from Cedar Street to Minnesota Street [S0708]; on the east side of Minnesota Street from Seventh Street East to Ninth Street East [S0709]; on the south side of Sixth Street East from Robert Street North to Jackson Street [J0710]; and setting date of public hearing for July 5, 2007.

Adopted Yeas - 5 Nays - 0

35. Resolution Approving Assessment – 07-496 – In the matter of the assessment of benefits, cost, and expenses for summary abatement for the excessive consumption of inspection services for property code violations billed from November 27, 2006 to January 30, 2007 [J0701E]; towing abandoned vehicles from private property during February 2007 [J0702V]; and setting date of Legislative Hearings for June 26, 2007 and City Council public hearings for July 5, 2007.

Adopted Yeas - 5 Nays - 0

37. Resolution Approving Assessment – 07-498– In the matter of the assessment of benefits, cost, and expense for summary abatements (property clean-up) on private properties from April 12 to April 27, 2007 [J0707A]; weekly garbage hauling services from April 18 to April 26, 2007 [J0707G]; demolition of a vacant building in April, 2007[J0706C); removing diseased elm trees from 519 Farrington Street during the winter season 2006/2007 [0703T]; and setting date of Legislative Hearings for June 19, 2007 and City Council public hearing for July 5, 2007.

Adopted Yeas -5 Nays -0

16. Resolution – 07-477 – Adopting a Summary of the Highland Park/District 15 Neighborhood Plan as an addendum to the City's Comprehensive Plan.

Councilmember Harris moved to lay over one month.

Laid over to July 5

Yeas - 5

Nays - 0

17. Resolution – 07-478 – Adopting a Summary of the Snelling Hamline Neighborhood Plan as an addendum to the City's Comprehensive Plan.

Councilmember Montgomery said she is in favor of this resolution but, for the record, referred to the footnote in regard to the Plan's request that Ayd Mill becomes a linear park. She said this is inconsistent with the recommendations that resulted from the Environmental Impact Assessment. She noted this clarifies the difference in order to make clear that adoption of the Plan Summary does not mean the City is adopting the linear park request, but rather acknowledges their position. She also stated this footnote has been reviewed by the City Attorney's Office.

Councilmember Montgomery moved approval.

Adopted Yea

Yeas - 5

Navs - 0

26. Resolution – 07-487 – Accepting a Young Gang Intervention Grant from the Minnesota Department of Public Safety to help reduce gun and gang violence among youth.

At the request of Councilmember Montgomery, Police Chief Harrington spoke to the Council on how these funds will be utilized, especially over the coming summer months. He referred to teen gangs, the GREAT project, sex crimes, homicides, juvenile curfews, and anti-graffiti programs.

Councilmember Montgomery moved approval.

Adopted Yeas - 5 Nays - 0

36. Resolution Approving Assessment – 07-497 – In the matter of the assessment of benefits, cost, and expenses for demolition of vacant buildings at 872 Simcoe Street and 646 Maryland Avenue during May 2007 [J0707C]; boarding-up vacant buildings during April 2007 [J0703B]; summary abatements (property clean-up) on private properties from April 28 to May 17, 2007 [J0708A]; providing weekly garbage hauling services from May 1 to May 16, 2007 [J0708G]; and setting date of Legislative Hearings for July 10, 2007 and City Council public hearings for July 18, August 1, 2007.

Council President Lantry introduced and moved approval of a substitute resolution changing the date of the City Council public hearing from July 18, 2007 to August 1, 2007.

Substitute introduced and adopted Yeas - 5 Nays - 0

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER.

38. Final Adoption – 07-336 – An ordinance amending Chapter 33.07 of the Saint Paul Legislative Code to clarify language requirements regarding fencing at a corner lot location. (Amended and laid over from May 23) (GS 3038093)

Councilmember Benanav moved approval of the ordinance.

Adopted Yeas - 5 Nays - 0

39. Final Adoption – 07-424 – An ordinance memorializing City Council action granting the application of Selby Area Community Development Corporation to rezone property at 940 Selby Avenue from B2 (Community Business) to TN1 (Traditional Neighborhood). (ZF 07-013-828)

Councilmember Montgomery moved approval.

Adopted Yeas - 5 Nays - 0

40. Final Adoption – 07-425 – An ordinance memorializing City Council action granting the application of Ms. Alison Kern to rezone property from TN2 (Traditional Neighborhood) and VP (Vehicular Parking) to B2 (Community Business) at 1172-1180 Arcade Street, 0 Rose Avenue, and 838 Maryland Avenue East. (ZF 07-022-851)

Councilmember Bostrom moved approval.

Adopted Yeas - 5 Nays - 0

Council President Lantry moved suspension of the rules to consider the following resolution:

Adopted Yeas - 5 Nays - 0

Resolution – 07-515 – Approving the application with conditions of J & M Auto Inc., dba J & M Auto, 363 Atwater Street, for Auto Body Repair/Painting Shop and Second Hand Dealer-Motor Vehicle Licenses.

Council President Lantry said Councilmember Helgen was excused from today's agenda and in his absence and at his request, she moved approval of the resolution.

Adopted Yeas - 5 Nays - 0

The meeting recessed at 3:59 p.m., and reconvened at 5:33 p.m.

Present – 4 – Benanay, Bostrom, Harris, and Lantry

Absent -3 – Helgen (excused), Montgomery and Thune (arrived after roll call)

PUBLIC HEARINGS

41. Final Adoption – 07-392 – An Administrative Ordinance establishing the minimum qualifications for the position of Fire Chief. (Amended May 23 and laid over for public hearing and final adoption)

Katie McWatt, 897 Dayton Avenue, appeared and spoke to incidents and situations surrounding the City's past Fire Chief Holton.

(Councilmember Montgomery arrived at this point in the meeting.)

Ms. McWatt said being the role of Fire Chief is an awesome responsibility, and she urged the Council to not change the minimum qualifications as they search for a new Chief.

Frank Langer, 13729 N. 90th Street, Stillwater, MN, appeared stating after 31 years he recently retired from the St. Paul Fire Department. He agreed with statements made by Ms. McWatt, and urged the Council to maintain experience and training requirements.

Councilmember Benanav moved to close the public hearing. Yeas - 5 Nays - 0

Councilmember Benanav stated that the requirements are not limited to internal applicants and it will be an open process to all who apply. He said as the Chair of the search committee, he guarantees the Committee will take their role seriously as they all want the very best for the City.

Councilmember Montgomery stated she will be voting against the ordinance. She said she has done considerable research of same-sized cities as to their qualifications for Fire Chief and St. Paul should be held to the same standards. St. Paul has the Number One Fire Department, and we need to have a Number One Fire Chief, Montgomery said.

Councilmember Harris said the following related Item No. 42 is establishing the Qualifications and Examining Committee for the Fire Chief position and those on the Committee are extremely qualified and will recognize the importance of decisions they make.

Councilmember Bostrom said the ordinance before Council is an amended version of the one first proposed and, at his question Angela Nalezny, Director of Human Rights, stated that the Mayor supported the first original ordinance. Ms. Nalezny further stated she had spoken with the City Attorney expressed concerns if the ordinance before Council is adopted.

After a brief discussion, Councilmember Bostrom moved to lay over one week. Laid over to June 13 Yeas - 5 Nays - 0

42. Third Reading – 07-401 – An ordinance establishing a Qualifications and Examining Committee for the position of Fire Chief.

No one appeared in opposition; Council President Lantry moved to lay over one week. Laid over to June 13 for final adoption Yeas - 5 Nays - 0

43. Resolution – 07-499 – Approving a waiver from the Living Wage Requirements of Chapter 98 of the Administrative Code and a budget amendment for the Church of St. Bernard and North End Community Foundation Project.

No one appeared in opposition; Councilmember Harris moved to close the public hearing and approval.

Adopted Yeas - 5 Nays - 0

44. Resolution – 07-500 – Approving the application of St. Paul After Hours for a sound level variance on June 7, 14, 21, and 28; July 12, 19, and 26, and August 2, 9, 16, 23 and 30, 2007, from 6:00 p.m. to 9:00 p.m., in order to provide live music at Mears Park. (GS 3039730)

No one appeared in opposition; Councilmember Harris moved to close the public hearing and approval.

Adopted Yeas -5 Nays -0

- 45. Resolution 07-501 Approving the application of Tavern on the Avenue, 825 Jefferson Avenue, for a sound level variance on June 22 and June 23, 2007 from 7:00 p.m. to 12:00 midnight in order to provide live music.

 Withdrawn
- 46. Resolution 07-502 Approving the application of Schroeder's Fine Food & Spirits, 605 Front Avenue, for a sound level variance on June 15, 16 and 17, and July 27 and 28, 2007, from 12:00 noon to 11:00 p.m., in order to provide live music, with limitations.

No one appeared in opposition; Councilmember Benanav moved to close the public hearing and approval.

Adopted Yeas -5 Nays -0

47. Resolution – 07-503 – Approving the application of J & S Bean Factory, 1518 Randolph Avenue, for a sound level variance on June 9, 2007 from 2:00 p.m. to 10:00 p.m., in order to present amplified music, with limitations.

Ray Rangel, 505 Saratoga, appeared in opposition saying since this business came into the neighborhood there has been a lot of change. The odor of the coffee beans roasting, the early morning trash pick-up, and customer and employee parking have all become nuisances. He urged the Council to deny the application.

Bill Gunther, Department of Safety and Inspections, said he received a letter from Arthur Ripley, 503 Warwick Street, in opposition to this resolution.

Councilmember Harris moved to close the public hearing. Yeas - 5 Nays - 0

Councilmember Harris said he supports the resolution. The establishment is a mellow operation and they are holding a nice event. He said he will meet with the neighbors who

have concerns not associated with this sound variance to come to a resolution of their issues.

Councilmember Harris moved approval.

Adopted Yeas - 5 Nays - 0

48. Final Order – 07-351 – In the matter of the Operation Costs of the Above Standard Street Lighting System for Rice Park for 2007. (File No. 19041) (Adopted April 18; recalled and laid over on April 25)

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing and approval.

Adopted Yeas - 5 Nays - 0

(Councilmember Harris left)

49. Final Order – 07-504 – In the matter of constructing new sidewalk on the south side of Hewitt Avenue, from North Griggs Street to North Dunlap Street. (Laid over from May 16)

No one appeared in opposition; Councilmember Benanav moved to close the public hearing. Yeas -4 Nays -0

Councilmember Benanav withdrew the Final Order.

(Councilmember Harris returned)

50. Final Order – 07-505 – In the matter of constructing new sidewalk on the north side of Christie Place from Prosperity Road to Kennard Street. (Laid over from May 16)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval.

Adopted Yeas - 5 Nays - 0

(Councilmember Benanav left)

51. Final Order – 07-506 – In the matter of constructing an above-standard twin lantern street lighting system on the west side of White Bear Avenue between 200 feet south of Rose Avenue and 200 feet north of Hawthorne Avenue. (File No. 19042) (GS 3038776)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval.

Adopted Yeas - 4 Nays - 0

52. Resolution Ratifying Assessment – 07-507 – In the matter of the assessment of benefits, cost, and expense for the Seventh/Daly RSVP for 1026 Pleasant Avenue. (GS 3038439)

No one appeared in opposition; Councilmember Harris moved to close the public hearing and approval.

Adopted Yeas - 4 Nays - 0

Councilmember Thune arrived and Councilmember Benanav returned to the meeting at this point.

53. Public hearing to consider the appeal of Tom Dimond et al to a decision of the Planning Commission approving a Conditional Use Permit, Variances, and revised Site Plan for Holman Field subdrain improvements. (ZF 07-078-905)

Patricia James, Department of Planning and Economic Development (PED), presented a staff report and background information on this issue.

Councilmember Benanav said all the vegetation in this area is gone and the discussion had been that there would be minimal impact.

Andrea Vento, Chair of Friends of the Park, appeared urging Council to deny the Conditional Use Permit and variances stating the Metropolitan Airports Commission (MAC) is in violation of their agreement.

Representative Sheldon Johnson appeared and spoke to the process of this issue and urged the Council to grant the appeal before them today.

John Gryzbek also urged the Council to grant the appeal stating MAC needs to be held accountable and the City needs to enforce its code provisions.

Tom Dimond stated he was before Council at this time urging them to grant the appeal. He provided background information and presented a documented history on the wetlands

Gjerry Berquist spoke to the loss of vegetation and trees MAC destroyed and urged the Council to grant the appeal.

Pat Mosites appeared representing the Metropolitan Airports Commission and spoke in opposition to the appeal. He stated not obtaining the required permit was a mistake. He

spoke to all the progress made to date and said they are facing final approvals from FIMA and the City.

Mr. Mosites explained why the storm sewer is located where it is, and that the area is currently used for vehicle parking.

Councilmember Benanav said that MAC is a major entity and a multi-billion dollar industry and to say the reason a permit wasn't obtained because no one asked if it had been is something he cannot understand. Council President Lantry stated she is profoundly disappointed in MAC.

Councilmember Thune moved to close the public hearing. Yeas - 6 Nays - 0

Councilmember Thune moved to grant the appeal.

Council President Lantry presented an in-depth background and history on this issue and said there are enormous issues. She suggested a one week layover in order to obtain additional information

Peter Warner, Assistant City Attorney, appeared and strongly recommended this item be laid over.

Councilmember Thune moved a one week layover.

Public hearing held, closed and laid over to June 13

Yeas - 6

Nays - 0

54. Public hearing to consider the appeal of William Madden, Jr. to a decision of the Board of Zoning Appeals granting a side yard setback variance in order to construct a sunroom addition at 2215 Como Avenue. (ZF 07-081619)

John Hardwick, Department of Safety and Inspections (DSI), appeared and presented a staff report.

(Councilmember Thune left the meeting)

William Madden, 2203 Como Avenue, spoke in opposition to the variance. He said because he was on vacation, notice was not received until a few days before the Board of Zoning appeals hearing.

Mrs. Madden said construction had already started prior to the hearing and a building permit has not been posted. She expressed concern that this is a very unkempt property, a lot of garbage, and the sunroom being proposed is too close to their home. She said she and her husband have talked with the owner of 2215 Como Avenue and made suggestions

for a different location of the sunroom.

A representative from Betterliving Sunrooms appeared representing the homeowner at 2215 Como. He stated he received City approval and obtained proper permits but the project is on hold due to the appeal. He said they looked at all location optionsS and this is the best for the property owner.

Councilmember Benanav moved to close the public hearing. Yeas - 5 Nays - 0

Upon question of Councilmember Benanav, John Hardwick explained the BZA notification process for their hearings.

After a brief discussion, Councilmember Benanav moved to lay over this item one week. Yeas -5 Nays -0

55. Resolution – 07-508 – Ordering the owner to remove or repair the building at 1126 Edgerton Street within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer recommends approval)

Marcia Moermond, Legislative Hearing Officer, presented a staff report and recommendation.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval.

Adopted Yeas - 5 Nays -0

56. Resolution – 07-509 – Ordering the owner to remove or repair the building at 941 Greenbrier Street within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer's recommendation is forthcoming.)

Marcia Moermond, Legislative Hearing Officer, presented a staff report and her recommendation for removal or repair within 180 days.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and that the property be removed or repaired within ninety (90) days. Adopted as amended Yeas -5 Nays -0

57. Resolution – 07-510 – Ordering the owner to remove or repair the building at 707 Kent Street within fifteen (15) days from adoption of resolution. (Legislative Hearing Officer's

recommendation is forthcoming)

Marcia Moermond, Legislative Hearing Officer, presented a staff report recommending the property be removed within 15 days with no option for repair.

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing and approval per the recommendation of the Legislative Hearing Officer.

Adopted as amended (remove the building with fifteen (15) days with no option for repair) Yeas - 5 Nays - 0

58. Resolution – 07-511 – Ordering the owner to remove or repair the building at 1155 Payne Avenue within one hundred-twenty (120) days from adoption of resolution. (Legislative Hearing Officer recommends approval)

Marcia Moermond, Legislative Hearing Officer, presented a staff report and her recommendation for approval.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and to remove or repair the building within 90 days.

Adopted as amended (ninety [90] days to remove or repair the building) Yeas - 5 Navs - 0

59. Resolution Ratifying Assessment – 07-512 – In the matter of the assessment of benefits, cost and expense for summary abatement for the excessive consumption of inspection services for property code violations billed from September 5 to November 27, 2006. [J0608E2] (Legislative Hearing Officer recommends the following:

449 Hatch Avenue - recommendation is forthcoming approve the assessment; and 763 Minnehaha Avenue East - delete the assessment.)

Marcia Moermond, Legislative Hearing Officer, presented a staff report and recommendations.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval as amended.

Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas – 5 Nays - 0

60. Resolution Ratifying Assessment – 07-513 – In the matter of the assessment of benefits, cost and expenses for demolition of vacant buildings at 1036 Norton Street and 960

Duchess Street during March, 2007 [J0704C]; summary abatements (property clean-up) on private property from March 15 to March 29, 2007 [J0705A]; providing weekly garbage hauling services from March 13 to March 27, 2007 [J0705G]; and towing of abandoned vehicles from private properties during the month of December, 2006 [J0609V]. (Legislative Hearing Officer recommends the following:

780 Cherokee Avenue (J0705A) - approve the assessment; 973/975 Conway Street (J0705A) - approve the assessment; 2153 Glendridge Avenue (J0705A) - approve the assessment;

957 Cook Avenue East (J0705A) - approve the assessment and spread the payments of ten (10) years;

558 Grotto Street North (J0705A) - approve the assessment;

776 Lafond Avenue (J0705A) - approve the assessment; referred back to June 12

Legislative Hearing and June 20 City Council Public Hearing;

447 Maryland Avenue East (J0705G) - approve the assessment; and

616 Wells Street (J0705A) - approve the assessment.)

Marcia Moermond, Legislative Hearing Officer, presented a staff report and recommendations, including her amended recommendation that property at 776 Lafond Avenue be referred back to the June 12 Legislative Hearing and the June 20 City Council public hearing.

No one appeared in opposition; Councilmember Bostrom moved approval as amended.

Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas – Nays - 0

61. Resolution Ratifying Assessment – 07-514 – In the matter of the assessment of benefits, cost, and expenses for Tenant Remedy Action Rehabilitation for property at 1123 Galtier Street in February 2007 [TR0702].

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing and approval.

Adopted Yeas - 5 Nays - 0

5

- 62. Appeal of Katherine Kelly and Benjamin Zibble to a Summary Abatement Order and Correction Notice for property at 1470 Midway Parkway.

 Withdrawn
- 63. Appeal of Ron Kizzee, on behalf of Open Arms Assembly of God Church, to a Summary Abatement Order for property at <u>1555 Jackson Street</u>.

Withdrawn

64. Appeal of Joel Nelson to a Vacant Building Registration Fee for property at <u>914 Earl Street</u>. (Legislative Hearing Officer recommends denying the appeal)

Marcia Moermond, Legislative Hearing Officer, presented a staff report. No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and deny the appeal.

Appeal denied (per the recommendation of the Legislative Hearing Officer) Yeas - 5 Nays - 0

65. Appeal of Steven Van Houten to a Notice of Condemnation and Order to Vacate property at 934 Hampden Avenue. (Legislative Hearing Officer recommends denying the appeal on the Notice of Condemnation and Order to Vacate and granting the owners an extension on hours allowed to be in the building from 8:00 a.m. to 8:00 p.m. to 7:00 a.m. to 10:00 p.m. provided an inspection is made of the interior of the building. A Code Compliance Inspection would need to be conducted on the building and all items on that report would need to be completed and signed off before the building could be reoccupied.)

Marcia Moermond, Legislative Hearing Officer, presented a significant staff report recommending the appeal be denied.

Jerry Hendrickson, City Attorney, also presented background information on this property.

Andy Dawkins, attorney representing the Van Houten's, distributed current photographs of the property, acknowledging the owners are not able to maintain their property. He said the home is not condemnable, it has been cleaned up and the yard is also better. He requested the applicants be allowed to pay a vacant building fee, code compliance fee, and secure needed permits to repair the roof, and then put their home up for sale.

Councilmember Benanav moved to close the public hearing. Yeas - 5 Nays - 0

Councilmember Benanav said he is sympathetic, but this problem is long-standing - for at least a couple of years - and he moved to deny the appeal.

Appeal denied (per the recommendation of the Legislative Hearing Officer) Yeas - 5 Nays - 0

66. Appeal of Mary Jo Durand and John Katter to an Amended Notice of Condemnation and Order to Vacate and a Summary Abatement Notice for property at 1904 Princeton

Avenue. (Legislative Hearing Officer recommends denying the appeal on the Amended

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Notice of Condemnation and granting the appeal on the Summary Abatement Notice.)

Marcia Moermond, Legislative Hearing Officer, presented a staff report

No one appeared in opposition; Councilmember Harris moved to close the public hearing and deny the appeal.

Appeal denied on the amended notice of condemnation and appeal granted on the summary abatement notice (per the recommendation of the Legislative Hearing Officer) Yeas - 5 Nays - 0

Councilmember Montgomery moved to adjourn the meeting.

Yeas - 5 Nays - 0

ATTEST:	ADJOURNED AT 8:03 P.M.
Mary Erickson Assistant Council Secretary	Kathy Lantry, Council President
Submitted by: Pattie Kelley	June 20, 2007 Minutes approved by Council